

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-20-05)
BRIAN RAY
MAY 27, 2020

I. GENERAL INFORMATION

A. Project Description

This a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Brian Ray with technical assistance from Sands Surveying, Inc. for a zoning map amendment within the Highway 93 North Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from 'SAG-10 Suburban Agricultural' to 'SAG-5 Suburban Agricultural.'

B. Application Personnel

1. Owner/Applicants

Brian Ray
555 Schrade Road
Kalispell, MT 59901

2. Technical Representative

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

This property is not located within the jurisdiction of a land use advisory committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on June 10, 2020 at 6:00 P.M. in the Trade Center Building at the Flathead County Fairgrounds, located at 265 North Meridian Road in Kalispell, Montana. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

The Commissioners will hold a public hearing on the proposed zoning map amendment on June 25, 2020 at 9:00 A.M. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

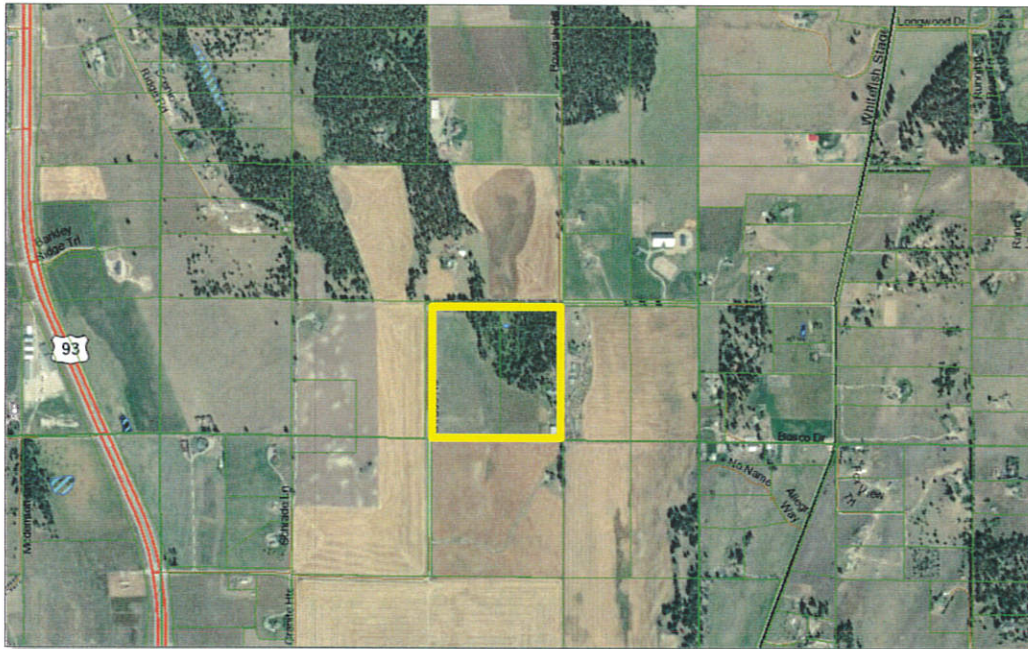
II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The total acreage of the subject properties is approximately 39.97 acres. The properties are located at 555 Schrade Road, Kalispell, MT (see Figure 1 below) and can be legally described as:

Lots 1 and 2 of The Ray Subdivision, in Section 06, Township 29 North Range 21 West, P.M.M., Flathead County, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

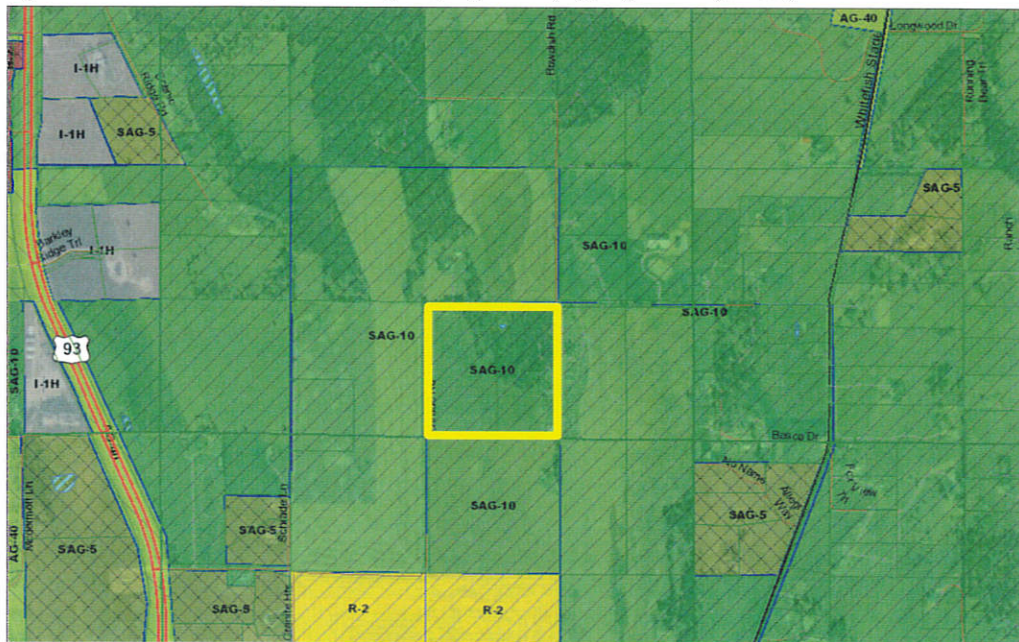
Figure 1: Subject properties (outlined in yellow)



B. General Character of and Reason for Amendment

The subject properties consist of two lots owned by one property owner and are located in an area of the county surrounded by agricultural and residential uses. Lot 2 is currently developed with a single-family dwelling. According to the application, “The applicant recently went through the zone change process to change the zoning on the property to SAG-10 and subsequently split the property into two lots with the Ray Subdivision. The applicant would like to create some five acre lots on a portion of the property and is therefore requesting a zone change to SAG-5.”

Figure 2: Current zoning on the subject properties (highlighted in yellow)

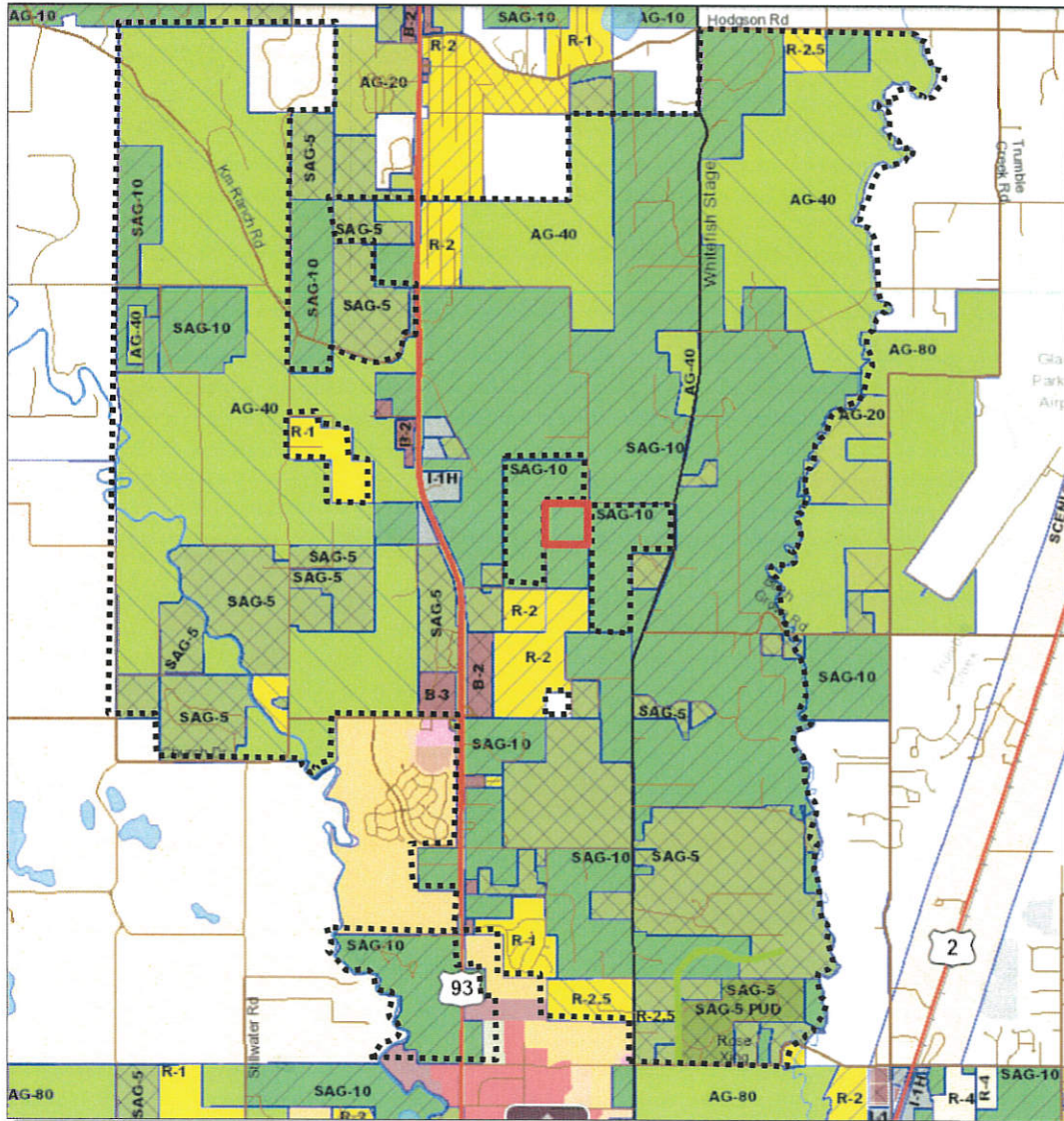


C. Adjacent Zoning and Character of the Overall Zoning District

The subject properties are located within the Highway 93 North Zoning District, approximately halfway between Highway 93 and Whitefish Stage Road. The Highway 93 North Zoning District is large, covering much of the area north of Kalispell along Highway 93. The zoning district includes many varied zoning classifications and existing land-use characteristics. Land uses range from rural agricultural to various densities of residential uses to commercial and industrial land uses adjacent to U.S. Highway 93.

The character of the zoning district in the vicinity of the subject properties is suburban agricultural. The property is surrounded on all sides by SAG-10 zoning. Within a quarter mile of the properties is SAG-5 and R-2 zoning.

Figure 3: Highway 93 North Zoning District (outlined with dashed black line & property outlined in red)



D. Public Services and Facilities

Sewer: Individual septic
Water: Individual well
Electricity: Flathead Electric Cooperative
Natural Gas: Northwestern Energy
Telephone: CenturyLink
Schools: Kalispell School District, Glacier High School District
Fire: West Valley Fire District
Police: Flathead County Sheriff

III. COMMENTS

A. Agency Comments

1. An agency referral letter was sent to the following agencies on February 27, 2020:
 - Bonneville Power Administration
 - City of Kalispell Planning Department
 - West Valley Fire District
 - Flathead City-County Health Department
 - Flathead County Sheriff's Office
 - Flathead County Solid Waste District
 - Flathead County Superintendent of Schools
 - Flathead County Weeds & Parks Department
 - Kalispell Public Schools
 - Montana Fish, Wildlife & Parks
 - Flathead County Road & Bridge Department
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
 - Flathead County Road & Bridge Department
 - Comment: "The proposed development is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal." Letter received March 3, 2020
 - Bonneville Power Administration
 - Comment: "At this time, BPA does not object to this request, as the property is located 2.66 miles away from the nearest BPA transmission lines or structures." Email received March 4, 2020
 - Flathead City-County Health Department
 - Comment: "No comment." Letter received March 17, 2020

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on May 20, 2020. Legal notice of the Planning Board public hearing on this application was published in the May 24, 2020 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment was physically posted on the subject property and within the

zoning district according to statutory requirements found in Section 76-2-205 [M.C.A.] on May 8, 2020. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, one public comment has been received regarding the requested zoning map amendment. Concerns addressed in the comment include traffic along Schrade Road. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for June 10, 2020 and/or the Commissioner's public hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations (FCZR). The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The SAG-10 designation is defined in Section 3.07 FCZR as, *'A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.'*

The SAG-5 designation is defined in Section 3.08 FCZR as, *'A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.'*

The permitted uses and conditional uses for the SAG-10 and the SAG-5 zoning are relatively similar. The amendment would reduce the number of permitted uses from 21 to 16 and increase the number of conditional uses from 23 to 28.

The permitted and conditional uses allowed within the SAG-5 but not allowed in SAG-10 are:

- Recreational vehicle park

The permitted and conditional uses allowed within the SAG-10 but not allowed in SAG-5 are:

- Dairy product processing, bottling, and distribution
- Ranch employee housing

The bulk and dimensional requirements within the current and proposed zoning require a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. For SAG-10 the permitted lot coverage is 20% and maximum height of 35 feet and for SAG-5 the permitted lot coverage is 25% (residential uses) and maximum height of 35 feet.

The existing zoning requires a minimum lot area of 10 acres. The subject properties total 39.97 acres. Currently, one additional lot could be created. The proposed zoning requires a minimum lot area of 5 acres which would potentially allow for five additional lots to be created. The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are similar and the zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing SAG-10 zoning. The amendment would reduce the number of permitted uses and increase the number conditional uses. Many of the reduced permitted uses between SAG-10 and SAG-5 are listed as conditional uses.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R).

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as 'Agricultural.' The current and proposed Suburban Agricultural zoning classifications would appear to contrast with the land use designation. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, "This map depicts areas of Flathead County that are legally designated for particular use. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plan. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to

time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.” Staff interprets this to mean the Designated Land Use Map is not a future land use map that implements policies, but rather a reflection of historic land use categories. If the zoning map amendment is approved the Designated Land Use Map can be updated by staff to reflect changes made by the County Commissioners based on policies, rather than maps in the document.

Following is a consideration of goals and policies which appear to be applicable to the proposed zone change, to determine if the proposal complies with the Growth Policy:

❖ **G.2** – *Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.*

- The zoning map amendment would allow the owner to subdivide but would also allow for the continuation of the existing use on the property.

❖ **G.4** – *Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.*

• **P.4.2** – *Identify lands most suited to agriculture (appropriate soils, access to water, shape and size of parcel, etc.)*

• **P.4.3** – *Identify a desirable gross density for rural residential development that retains land value, preserves the agricultural character of the community and allows for efficient provision of government services (law enforcement, fire protection, transportation, etc.)*

- The zoning map amendment allows greater flexibility to the land owner while still allowing agriculture uses. The proposed zone change will be in line with the nearby SAG-5 zoned properties which are intended to be a transitional zone between urban and more rural, agricultural uses and densities.

❖ **G.8** – *Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.*

- The SAG-5 designation would allow for densities of one dwelling unit per five acres for single family residential use. One dwelling unit per five acres would not require public water and sewer. Further discussion on public utilities is contained later in this report.

❖ **G.23** – *Maintain safe and efficient traffic flow and mobility on county roadways.*

• **P.23.2** – *Limit private driveways from directly accessing arterials and collector roads to safe separation distances.*

• **P.23.4** – *Recognize areas in proximity to employment and retail centers as more suitable for higher residential densities and mixed use development.*

- This report contains discussion on the proposal’s potential burden on transportation below.

❖ **G.31** – *Growth that does not place unreasonable burden on the school district to provide quality education.*

- This report contains discussion on the proposal's potential burden on schools below.

❖ **G.32** – *Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.*

❖ **G.33** – *Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.*

- This report contains discussion on the adequacy of emergency and law enforcement services below.

Finding #1: The proposed zoning map amendment generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the Agricultural land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the West Valley Fire District and is located approximately 3.2 miles from the nearest fire station on Whitefish Stage Road. The West Valley Fire Department would respond in the event of a fire or medical emergency. The property is not located within the Wildland Urban Interface (WUI) or a fire district priority area and no comments were received from the West Valley Fire Department.

The subject properties are located along Schrade Road which is classified as a County-maintained, gravel, two-lane road within a 60-foot wide easement. Schrade Road is accessed via Highway 93 or Whitefish Stage Road, both of which are MDT-maintained, paved roads. The roads appear adequate to provide access for emergency services.

According to FEMA FIRM Panels 30029C1415J, the properties are located within an unshaded Zone X which is an area determined to be outside the 0.2% annual chance flood hazard.

Finding #2: The proposed zoning map amendment would not impact safety from fire and other danger because the properties are located approximately 3.2 miles from the nearest fire station and within the West Valley Fire District, are accessed Schrade Road which can accommodate access for emergency vehicles, and are not located within the WUI or a Special Flood Hazard Area.

b. Promote public health, public safety, and general welfare;

As previously stated, the subject properties are located within the West Valley Fire District. The West Valley Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the properties. Schrade Road appears adequate to provide ingress and

egress for emergency vehicles which would help to ensure adequate public health and safety.

The permitted uses and conditional uses for the SAG-10 and the SAG-5 zoning designations are relatively similar. The build out analysis demonstrated the similarities between the uses of the SAG-5 and SAG-10 zoning. Because of the similarity in uses and availability of adequate transportation, fire, and emergency services, the impacts on public health, public safety and general welfare should be minimal.

Finding #3: The proposed zoning map amendment would likely have minimal impact on public health, public safety and general welfare because the property is served by the West Valley Fire Department and the Flathead County Sheriff's Department, the property is accessed via a County-maintained road, and future development would comply with the permitted and conditional uses in the SAG-5 zone.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The subject properties are accessed via Schrade Road from Highway 93 or Whitefish Stage Road. Schrade Road is a County-maintained, gravel, two-lane road within a 60-foot wide easement. and Highway 93 and Whitefish Stage Road are MDT-maintained, paved roads. The most recent traffic counts for Schrade Road were collected in 2007 and indicated between 144 and 204 average daily trips (ADT) along Schrade, east of Highway 93 and west of Whitefish Stage Road. The proposed zoning would allow for five additional lots.

Using standard trip generation, single-family residential uses typically generate 10 average daily vehicle trips per dwelling. The proposed zoning could allow for approximately five additional lots, which would generate approximately 50 ADT. The zoning map amendment has the potential to increase traffic by 34.7% on Schrade Road. Comment received from the Flathead County Road and Bridge Department indicates no concerns regarding the proposal.

The subject properties are currently served by an individual well and septic system. The property owner would be required to undergo review and approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality if the properties are further subdivided.

The subject property is located within the Kalispell School District. Kalispell elementary schools have seen an 8% increase in student enrollment over the last ten years and 0% increase between the 2018 and 2019 school years. The Kalispell high schools have seen a 5% increase in student enrollment over the last ten years and a 1% decrease between 2018 and 2019. The school district did not provide comment regarding this proposal. It is anticipated that schools would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The Flathead County Subdivision Regulations require parkland dedication for lots five acres or smaller. It is anticipated subsequent future development would require

subdivision review and parkland dedication requirements would be determined at that time.

Finding #4: The proposed zoning map amendment would facilitate the adequate provision of transportation because primary access to the properties is off Schrade Road which is a County-maintained, gravel, two-lane road and comment received from the Flathead County Road and Bridge Department indicated no concerns regarding the proposal.

Finding #5: The proposed zoning map amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because future development or a change of use would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, further division of land would require subdivision review and potentially parkland dedication, and the school district did not provide comment on regarding the proposal.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

Any additional lots created or structures built would be required to meet the bulk and dimensional requirements of the SAG-5 zoning designation. The bulk and dimensional requirements have been established to provide for a reasonable provision of light and air.

The minimum lot area for the proposed SAG-5 zoning designation is 5 acres and the minimum lot area for the existing SAG-10 zone is 10 acres, although both zones allow for clustering provisions as outlined in Section 5.09 FCZR. The density allowed within the proposed zoning would be greater than the density allowed within the current zoning designation. The maximum building height within the current zoning and the proposed zoning is 35 feet. The permitted lot coverage is 20% for the current zoning and would be 25% for residential structures under the proposed zoning.

The setback requirements for the proposed zoning designation are identical to those of the current zoning designation. The required setback from the boundary line is 20 feet from all property boundaries for the principal structure, 20 feet from the front and side corner on accessory structures and 5 feet from the rear and side on accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector and arterials.

Finding #6: The proposed zoning map amendment would provide adequate light and air to the subject properties because future development would be required to meet the bulk and dimensional requirements within the proposed SAG-5 designation.

b. The effect on motorized and non-motorized transportation systems;

The subject properties are accessed via Schrade Road from Highway 93 or Whitefish Stage Road. Schrade Road is a County-maintained, gravel, two-lane road within a 60-foot wide easement. and Highway 93 and Whitefish Stage Road are

MDT-maintained, paved roads. The most recent traffic counts for Schrade Road were collected in 2007 and indicated between 144 and 204 average daily trips (ADT) along Schrade, east of Highway 93 and west of Whitefish Stage Road. The proposed zoning would allow for five additional lots.

Using standard trip generation, single-family residential uses typically generate 10 average daily vehicle trips per dwelling. The proposed zoning could allow for approximately five additional lots, which would generate approximately 50 ADT. The zoning map amendment has the potential to increase traffic by 34.7% on Schrade Road. Comment received from the Flathead County Road and Bridge Department indicates no concerns regarding the proposal.

There are no existing pedestrian or bicycle facilities currently located on Schrade Road. The Flathead County Trails Plan does not designate Schrade Road for a proposed trail, thus future subdivision of properties along the road would not require a trail easement. Given the relatively low traffic volume currently on Schrade Road and build-out analysis traffic volumes, it is likely that effects on non-motorized transportation would be minimal.

Finding #7: The proposed zoning map amendment would have minimal effects on motorized and non-motorized transportation systems because primary access to the properties is off Schrade Road which is a County-maintained, gravel, two-lane road, comment received from the Flathead County Road and Bridge Department indicated no concerns regarding the proposal, and future subdivision of the properties would not require an easement for a pedestrian and bicycle trail.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

Kalispell is the nearest municipality to the subject properties and the city limits are located approximately 1.25 miles to the south. The properties are located outside of the Annexation Policy Map and the Growth Policy Future Land Use Map.

The proposed SAG-5 zoning would allow for a five acre minimum lot size and density of one dwelling per five acres, unless clustering provisions are utilized. It appears that the proposed zoning designation would be compatible with urban growth in the vicinity of Kalispell as the surrounding properties are similarly zoned suburban agricultural.

Finding #8: The subject properties are located outside the extent of the City of Kalispell Growth Policy Future Land Use Map and the Annexation Policy Map, therefore, there is no plan with which to be compatible.

d. The character of the district(s) and its peculiar suitability for particular uses;

The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a

review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

i. ***The zoning allows a use that differs significantly from the prevailing use in the area.***

The uses directly adjacent to the subject properties on all sides are currently agricultural and residential and zoned SAG-10, although the properties are located within a quarter mile of SAG-5 and R-2 zoning. Farther to the north and east of the subject property are larger agricultural lands with more residential and higher density development located to the south and west adjacent to the City of Kalispell. The proposed SAG-5 zoning designation is designed as to provide a buffer between urban and unlimited agriculture uses, per Section 3.08.010 FCZR. The uses allowed in the SAG-5 zoning designation would not differ significantly from existing uses in the area.

ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

The proposed zone change would amend the zoning on two lots totaling 39.97 acres for the benefit of one landowner.

iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The zoning map amendment would apply to two lots totaling 39.97 acres for the benefit of one landowner, however, the uses allowed within the proposed zoning designation are relatively similar to the existing uses in the surrounding area. Many of the permitted uses in the proposed SAG-5 zoning designation exist in the area of the subject property, or would not be out of character with the existing uses in the general vicinity. The proposed zone change would benefit one landowner but not at the expense of surrounding landowners because of the compatible nature of the existing and proposed zoning designations.

In summary, all three criteria must be met for the application to potentially be considered spot zoning. The proposed zoning map amendment does not appear to be at risk of spot zoning, as it does not appear to meet all three of the criteria.

Finding #9: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zoning designation would allow for similar uses to what exists in the area, and the amendment would not change the character of the area to the detriment of surrounding landowners.

e. **Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The subject property is located within the Highway 93 North Zoning District and surrounded by suburban agricultural zoning (see Figure 2). Previous sections of this report have discussed the differences between permitted and conditional uses in the existing SAG-10 zoning and the proposed SAG-5 zoning designation. Conserving the value of buildings throughout the jurisdictional area is a function of allowing

land uses that are appropriate and reasonable. Many of the land uses listed as permitted uses in the proposed SAG-5 zone exist in the vicinity of the subject property such as single-family residential and agricultural uses. The permitted and conditional uses would likely not impact the value of buildings and would be appropriate land uses throughout the area of the proposed zone change because they already exist in the area. The uses allowed in the proposed zoning are similar to the existing uses.

Finding #10: The proposed zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land in this particular location because the proposed zoning designation allows for similar uses to the surrounding suburban agricultural and residential zoning and the area is currently suburban residential.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The location of the proposed zoning map amendment is not directly adjacent to any city but it is located approximately 1.25 miles north of the City of Kalispell. As previously stated, the subject property is not included within the City of Kalispell Annexation Policy Map or Growth Policy Future Land Use Map.

Finding #11: The proposed zoning map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the properties are located outside of the City of Kalispell Annexation Policy Map and Growth Policy Future Land Use Map and the proposed zoning acts as a buffer between higher density residential and lower density agricultural zones.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the Agricultural land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.
2. The proposed zoning map amendment would not impact safety from fire and other danger because the properties are located approximately 3.2 miles from the nearest fire station and within the West Valley Fire District, are accessed Schrade Road which can accommodate access for emergency vehicles, and are not located within the WUI or a Special Flood Hazard Area.
3. The proposed zoning map amendment would likely have minimal impact on public health, public safety and general welfare because the property is served by the West Valley Fire Department and the Flathead County Sheriff's Department, the property is accessed via a County-maintained road, and future development would comply with the permitted and conditional uses in the SAG-5 zone.
4. The proposed zoning map amendment would facilitate the adequate provision of transportation because primary access to the properties is off Schrade Road which is a

County-maintained, gravel, two-lane road and comment received from the Flathead County Road and Bridge Department indicated no concerns regarding the proposal.

5. The proposed zoning map amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because future development or a change of use would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, further division of land would require subdivision review and potentially parkland dedication, and the school district did not provide comment on regarding the proposal.
6. The proposed zoning map amendment would provide adequate light and air to the subject properties because future development would be required to meet the bulk and dimensional requirements within the proposed SAG-5 designation.
7. The proposed zoning map amendment would have minimal effects on motorized and non-motorized transportation systems because primary access to the properties is off Schrade Road which is a County-maintained, gravel, two-lane road, comment received from the Flathead County Road and Bridge Department indicated no concerns regarding the proposal, and future subdivision of the properties would not require an easement for a pedestrian and bicycle trail.
8. The subject properties are located outside the extent of the City of Kalispell Growth Policy Future Land Use Map and the Annexation Policy Map, therefore, there is no plan with which to be compatible.
9. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zoning designation would allow for similar uses to what exists in the area, and the amendment would not change the character of the area to the detriment of surrounding landowners.
10. The proposed zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land in this particular location because the proposed zoning designation allows for similar uses to the surrounding suburban agricultural and residential zoning and the area is currently suburban residential.
11. The proposed zoning map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the properties are located outside of the City of Kalispell Annexation Policy Map and Growth Policy Future Land Use Map and the proposed zoning acts as a buffer between higher density residential and lower density agricultural zones.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EA